

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application.

Claims 1-17 were originally submitted.

Claim 3 has been canceled.

Claims 1, 2, and 4-17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,490,209 to Kennedy et al (Kennedy).

Claims 1, 2, and 4-17 remain in this application.

35 U.S.C. §102

Claims 1, 2, and 4-17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,490,209 to Kennedy et al (Kennedy). Applicant respectfully traverses the rejection of the claims.

Amended independent claim 1 recites in part "computer-executable instructions to listen at a first baud rate at which a predefined message comprised of a text string that includes more than one character might be sent from the client computing device over the serial connection" and "computer-executable instructions to listen at the second baud rate for the predefined message in an event that error characters not forming part of the predefined message are received at the first baud rate".

Kennedy fails to disclose or teach the computer-readable medium of claim 1. Kennedy describes an autobaud detection mechanism that starts at a default baud rate and steps through lower baud rates searching for a baud rate in which a remote device is transmitting. An incoming call initiates the process described in

1 Kennedy. The incoming call may be any message and is not known by the
2 receiving device. When the incoming call is received, respective data bits of the
3 received data are examined for transmission errors. If a transmission error is
4 detected, the baud rate is stepped to the next lowest baud rate. (See Abstract of
5 Kennedy).

6 A potentially valid character or reference, such as a carriage return, may be
7 included in the message (i.e., incoming call). When the message is received, the
8 respective bits of the received data which may include the potentially valid
9 character (i.e., the carriage return), are stored and the received data pattern is
10 analyzed for the presence of transmission errors such as framing, parity, and
11 overrun. (See col. 2, lines 26-31 of Kennedy).

12 If a transmission error is detected, it is inferred that what has been received
13 is not a valid character at the current (i.e., initial default) baud rate setting. A baud
14 rate table counter is then incremented to step to the next lowest baud rate in a table
15 of baud rate entries. (See col. 2, lines 31-34 of Kennedy).

16 If no transmission error has been detected, it is assumed that the received
17 message may include the reference character or potentially valid character at the
18 present baud rate setting. Continuing under the assumption that the reference
19 character was transmitted as part of the received message, the stored bit
20 compositions (specifically a bit composition that represents the reference
21 character) from the received message are compared with the prescribed reference
22 character. If the serial composition of the two compared data bit patterns match,
23 an inference is made that the remote site is transmitting at the current baud rate
24 setting and the receiving device locks the baud rate at the particular baud rate
25 setting for the remainder of the call. (See col. 2, lines 36-44 of Kennedy).

1 When the autobaud detection routine (i.e., process) has stepped to a new
2 baud entry, the routine initiates a prescribed time-out. Within the time out period,
3 if the receiving device does not receive a further bit pattern, the receiving device
4 reverts to the default baud rate setting and reinitiates the autobaud detection
5 routine. (See col. 2, lines 52-60 of Kennedy).

6 Kennedy discloses the use of a carriage return as a reference character.
7 (See col. 2, line 28 of Kennedy). The use of a carriage return allows a user at the
8 remote end (i.e., sending device) to repeatedly assert the character (hits the
9 carriage return), to establish connection at any of the available baud rates. (See
10 col. 2, lines 65-66 of Kennedy). What is taught in Kennedy is a single character
11 (i.e. the carriage return) that is commonly sent (asserted) at the remote end
12 (sending device). There is no teaching that the reference character be "a text string
13 that includes more than one character", since Kennedy would have to provide that
14 the receiving device know the "predefined message comprised of a text string that
15 includes more than one character". In other words, Kennedy describes
16 communication with multiple receiving devices (See Fig. 1, items 11 of Kennedy),
17 where each receiving device is configured to "listen for" a specific reference
18 character (i.e., carriage return).

19 The Action presents that "the length of the message is not a factor because a
20 carriage return is represented by binary numbers (zeros and ones) and a message
21 also has to convert to binary numbers when being manipulated." In other words,
22 the Action presents that the binary representation of the "carriage return" as the
23 message. However, a binary representation is not the same as a "predefined
24 message comprised of a text string that includes more than one character". If any
25 of the characters in the text string of the predefined message are in error, then a

1 second baud rate is listened at. In other words, it is not an error in the binary
2 representation of a character, but "error characters not forming part of the
3 predefined message" as recited in claim 1 that determine if the second baud rate is
4 listened to.

5 Accordingly, Kennedy does not show every element of claim 1, and the
6 rejection of claim 1 is therefore improper. Accordingly, Applicant respectfully
7 requests that the §102 rejection of claim 1 be withdrawn.

8 **Claims 2, 4-6** are allowable based at the least on their dependency on claim
9 1. Accordingly, Applicant respectfully request that the §102 rejection of claims 2-
10 6 be withdrawn.

11 **Amended independent claim 7** recites in part "computer-executable
12 instructions to listen at a first baud rate at which a predefined message comprised
13 of a text string that includes more than one character might be sent from the client
14 computing device over the serial connection; and computer-executable instructions
15 to switch to listening at a second baud rate if one of the following events occurs:
16 (1) characters not included in the predefined message are received, or (2) a
17 predetermined timeout period expires without successful receipt of the predefined
18 message".

19 As discussed above, Kennedy teaches the use of a single potentially valid
20 character that includes only one character. The Action presents that a bit
21 representation of a character is the same as a predefined message; however, what is
22 claimed in claim 7 is "a predefined message comprised of a text string that
23 includes more than one character" where a second baud rate is listened to in the
24 event "characters not included in the predefined message are received".
25

1 includes more than one character from a client computing device; and
2 automatically adjusting the baud rate in an event that error characters in the
3 predefined message are detected”.

4 As discussed above, Kennedy does not teach or disclose a “predefined
5 message comprised of a text string that includes more than one character” and that
6 the baud rate is adjusted “in an event that error characters in the predefined
7 message are detected”.

8 Accordingly, Kennedy does not show every element of claim 14, and the
9 rejection of claim 14 is therefore improper. Accordingly, Applicant respectfully
10 requests that the §102 rejection of claim 14 be withdrawn.

11 **Claims 15-16** are allowable based at the least on their dependency on claim
12 14. Accordingly, Applicant respectfully request that the §102 rejection of claims
13 15-16 be withdrawn.

14 **Amended independent claim 17** recites in part “storing multiple baud rates
15 at which a predefined message comprised of a text string that includes more than
16 one character may be sent from the client computing device over the serial
17 connection” and “automatically adjusting the baud rate in an event that error
18 characters in the predefined message are detected”.

19 As discussed above, Kennedy does not teach or disclose a “predefined
20 message comprised of a text string that includes more than one character” and
21 “adjusting the baud rate in an event that error characters in the predefined message
22 are detected”.

23 Accordingly, Kennedy does not show every element of claim 17, and the
24 rejection of claim 17 is therefore improper. Accordingly, Applicant respectfully
25 requests that the §102 rejection of claim 17 be withdrawn.

CONCLUSION

All pending claims 1, 2, and 4-17 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

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Dated: 8/24/05By: 

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